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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,951	10/10/2001	Toshiaki Kan-o	MA-502-US	4805

466 7590 02/25/2004  
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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/972,951

**Applicant(s)**

KAN-O, TOSHIAKI

**Examiner**

Brian E. Miller

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 4, 8, 13, 18 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 9-11, 14-16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3, 7, 12, 17, 21 and 23 is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Claims 1-23 are pending.

***Election/Restriction***

1. Applicant's election without traverse of Species (1), i.e., claims 1-3, 5-7, 9-12, 14-17, 19-21, 23, in Paper No. 5 is acknowledged. Claims 4, 8, 13, 18, 22 are withdrawn from further consideration as being directed to a non-elected species.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The disclosure is objected to because of the following informalities, *for example*: (a) page 1, line 12 the word "of" should be deleted; (b) page 1, line 20 the language "to make the edge sandy" is awkward and should be changed; (c) throughout the specification, initially on page 1, line 24 the word "blindfolding" should be changed as it is not a recognized term in the art; (d) in FIG. 8, the word "PROIR" is misspelled; (e) page 12, line 8, "Figs 1 to 9 are views showing a structure of a first embodiment" should be changed since FIGs. 5 & 8 are prior art; (f) page 16, lines 10-14 includes idiomatic and awkward language. Appropriate correction is required.

***Claim Objections***

5. Claims 1, 10, 15 objected to because of the following informality: the language “for blindfolding” should be changed. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 6, 9, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Isomura (JP 63-187492). (As per claims 6 & 20) Isomura discloses a disk drive unit with which a disk medium is to be mounted for access, as depicted in FIGs. 1-3, including a member 21b, 22b which prevents scratching of the disk medium by being provided on an edge of the disk insertion and discharge slot 14; wherein the felt pad members are necessarily formed of a material whose hardness is lower than the hardness of the disk medium (re claim 9).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1, 10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (JP 2000-298906) in view of applicant's admitted prior art (AAPA) FIG. 5. Kato discloses a disk drive unit which a disk medium 9 is inserted, as shown in at least FIG. 2, including: a disk insertion and discharge slot 2 on a front panel 1; a flexible member 3 which has a slit 7 for insertion of the disk medium along a longitudinal direction; a plurality of perpendicular positioned slits 6 provided at a "predetermined interval".

Kato is silent only to the member 3 being made of felt. The AAPA discloses a slotted disk drive unit with a felt member disposed in the slot. From this, it would have been obvious to have formed the flap members 8 of Kato of felt in place of rubber as substituting known materials for one another with similar characteristics would have involved only routine skill in the art.

10. Claims 2, 5, 11, 14, 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of the AAPA as applied to claims 1, 10, 15 above, and further in view of Isomura. Kato is silent as to a further scratch prevention member provided on edge of the insertion slot, however, Isomura discloses a disk drive unit with which a disk medium is to be mounted for access, as depicted in FIGs. 1-3, including a member 21b, 22b which prevents scratching of the disk medium by being provided on an edge of the disk insertion and discharge slot 14; wherein the felt pad members are necessarily formed of a material whose hardness is lower than the hardness of the disk medium (as per claims 5, 14 & 19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the scratch prevention member to Kato as taught by Isomura. The motivation would have been: adding a

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scratch prevention member would have further eased the insertion of the medium as would have been readily apparent to a skilled artisan.

***Allowable Subject Matter***

11. Claims 3, 7, 12, 17, 21, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "B. Miller", with a stylized flourish at the end.

**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2652**

Bem  
February 20, 2004